

Meeting Agenda - Revised
SOUTH DAKOTA ELECTRICAL COMMISSION
Missouri Ave Conference Room
217 W. Missouri Ave, Pierre
December 1, 2022, 9:00 a.m. CT (8:00 am MT)

- A. Call to Order
- B. Agenda
- C. Minutes of July 19, 2022 Pg 1–2
- D. Public Comment Verbal
- OLD BUSINESS**
- E. None
- NEW BUSINESS**
- F. Request for Special Inspection Procedure for Permit #441236 Pg 3–4
- G. Executive Session pursuant to SDCL 1-25-2, as necessary.
- H. Final Subject Letter Pg 5
- I. Oklahoma Reciprocal Agreement Pg 6–9
- J. President’s Report Sean Lyons
- K. Executive Director’s Report Pamela Scouten
- L. Inspector’s Report Pg 10, Brent Schoulte
- M. Adjournment

Meeting Minutes
ELECTRICAL COMMISSION
217 W. Missouri Ave. Pierre SD
Or Microsoft Teams
July 19, 2022 8:30 A.M. CDT

President Lyons called the meeting to order at 8:30 a.m. JJ Linn, Executive Director called the roll.

Members of the Board in Attendance: Sean Lyons, Rick Cronin, Dave Eide and John Hoffman.

Members of the Board in Attendance via Microsoft Teams: Tor Sorlien and Russ Vanderwerff.

Others Present: JJ Linn – Executive Director, Roxie Mobley – Office Secretary, and Jerry McCabe – Legal Counsel.

The meeting agenda was presented. President Lyons requested additions or comments on the agenda. President Lyons declared the agenda correct as presented.

January 13, 2022, Commission minutes were presented. President Lyons declared the minutes correct as presented as no comments were received from members.

President Lyons opened the floor to public input. No comments were received.

Inspectors report:

President Lyons requested Director Linn to conduct an inspector update.

- There has not been an inspector meeting since the last Commission meeting.
- IAEI Western Section in Sioux Falls in September.
- Rehired Scott Ochsner in the Tea/Harrisburg District on 2/24/22.
- Hired John Smallbrock in the Southern Hills District on 4/11/22.
- Hired Seth Warner in the Aberdeen/Gettysburg District on 5/16/22.
- Dan Larson retired on 5/23/22.

Old Business:

- President Lyons stated there is no old business on the agenda.

New Business:

- President Lyons requested Director Linn to review the Uniform Complaint and Declaratory Ruling Procedure – SDCL 36-1C. Eide made a motion to authorize the investigative committee the ability to dismiss a complaint as promulgated in 36-1C-4 and impose an administrative fine as promulgated in 36-1C-5. Hoffman seconded the motion. Discussion ensued. Hoffman made an amending motion to strike, “impose an administrative fine as promulgated by 36-1C-5”. Seconded by Lyons. A roll call vote was held. **AMENDMENT PASSED.** (Cronin-aye, Eide-aye, Hoffman-aye, Sorlien-aye, Vanderwerff-aye, Lyons-aye). Discussion ensued on the amended motion. A roll call vote was held. **AMENDED MOTION PASSED.** (Cronin-aye, Eide-aye, Hoffman-aye, Sorlien-aye, Vanderwerff-aye, Lyons-aye).
- Hoffman made a motion to enter into executive session at 9:15 a.m. Seconded by Sorlien. Lyons called for the vote. **OTION PASSED.**
- The Commission came out of executive session at 9:45 a.m. Hoffman made a motion to dismiss the complaint. Seconded by Eide. A roll call vote was held. (Cronin-aye, Eide-aye, Hoffman-aye, Sorlien-aye, Vanderwerff-aye, Lyons-aye)
- President Lyons announced nominations are now in order for the office of President. Cronin nominated Sean Lyons; Seconded by Eide. President Lyons requested additional nominations.

Hearing none, President Lyons declared Sean Lyons elected to the position of President by acclamation. President Lyons announced nominations are now in order for the office of Secretary/Treasurer. Cronin nominated John Hoffman; Seconded by Lyons. President Lyons requested additional nominations. Hearing none, President Lyons declared John Hoffman elected to the position of Secretary/Treasurer by acclamation.

Reports:

- The reports for January 2022 to June 2022 were reviewed.

Code Committee Report:

- No pending items at this time.

President's Report:

- No pending items at this time.

Executive Director's Report:

- Director Linn noted the Commission is not current on billing installers for permits that have been finaled due to renewal. Reasons for this include the COVID pandemic, the loss of a 42-year employee, and the hiring of two new staff, all of which occurred close to or during renewal and an inspection fee increase. The Commission has been diligent to inform licensees multiple times of the delay in billing. Roxie stated we are almost caught up.
- Director Linn noted Roxie Mobley will be retiring from the Commission on Sept. 18, 2022. Director Linn and the members thanked Roxie for over 36 years of service and her patronage over those years to the industry.
- Director Linn informed the members the Commission has started the preliminary process of updating the licensure/permit database. Director Linn will update the Commission on progress. Director Linn estimated a 6/30/23 timeline.
- Director Linn updated the Commission on the emailed license cards. The Commission had processed 20% more licenses by 6/30/22 than 6/30/20.
- Director Linn updated the members on the move to the new location which occurred on February 8.

President Lyons noted the next Commission meeting is tentatively scheduled for October 20, 2022.

President Lyons requested comments from the members. Hearing none, President Lyons made the following inquiries:

- Does wiring in an island require protection?
- Does an HVAC disconnect require labeling?
- Can you provide detail on flush mounted Installation?

Director Linn will follow up on the inquiries and provide the information to the members.

Hoffman made a motion to adjourn the Commission meeting. Eide seconded the motion. A roll call vote was held. **MOTION PASSED.** (Cronin-aye, Eide-aye, Hoffman-aye, Sorlien-aye, Vanderwerff-aye, Lyons-aye).

Meeting adjourned at 9:45 a.m.

Request for Special Inspection on Permit #441236

Herreid pool concrete poured before a rough-in inspection was completed and removing concrete would be what state law would implicate as the solution, but the city will lose grant money if this is not completed by June 1. Below are a few of the email strings involving the pool and other possible solutions.

From: Della Croce, Vincent <vincent.della_croce@siemens.com>

Sent: Monday, October 24, 2022 6:50 PM

To: Schoulte, Brent <Brent.Schoulte@state.sd.us>

Subject: RE: [EXT] pool bon inspection

Brent,

I've heard AHJ's have general discussions about it, but I'm not familiar with any who actually pulled the trigger on it. My opinion would be to move cautiously as the AHJ. Testing would require more than a simple continuity test between the various parts. If you do decide to allow a 3rd party evaluation I would recommend verifying they are capable, experienced and qualified to do the testing...and have calibrated test equipment. ICC has a group under it's wing that accredits field evaluation bodies. It could be a starting point for direction:

https://www.iasonline.org/?post_type=ias_certificate&orderby=org&order=ASC&s=&global=1&service=13567&keyword=&number=&org=&city=&state=&country=&zip=&status=

Vince Della Croce

Business Development Manager- Electrical Inspectors

772-200-1129

vincent.della_croce@siemens.com

From: [Justin Modin](#)

Sent: Monday, November 7, 2022 11:54 AM

To: [Brian Fuller](#)

Subject: Herreid Pool Bonding

Brent,

To follow up on the plan for testing. L&S Electric is a third party testing company, with licensed electrical engineers on staff. The gentleman that will be conducting the testing is an electrical engineer. Nick Bullinger is his name. I have spoke with Nick in great lengths about the testing procedure, he is confident that he can achieve what we are looking for in this test. I have also spoken with the project engineer, Patrick Straatmann, with KPE Engineers out of Omaha NE, he is going to review the test results and all of the relevant photos taken by us, the pool contractor, and the general contractor, and issue his findings and recommendations.

In addition, I have reached out to a third party electrical engineer, who was recommended by the aquatics engineer to review the test findings and photos. His name is Troy Vareberg, with Vareberg and Associates out of Fargo. Troy is also willing to weigh in on this matter, and give insight and recommendations.

The pool contractor and pool engineer, are both willing to provide input if necessary, based on their knowledge of the pool industry. Personally I would consider them the subject matter experts (SME's) on this matter. I actually reached out to Associated Pools superintendent on this project, to get insight on how to bond the new pool and the existing pool, with the understanding that he has been building pools for most of his career, and he would have the most knowledge on how to accomplish our tasks correctly. Associated Pools is willing to provide documentation that the pool is bonded correctly and safely.

The general contractor and Voyager Electrical Services are working diligently to provide and prove, that this installation is correct, and meets the requirements of the NEC, and most of all, that it is safe for the general public. We are also fully aware that we were in violation of SD state law, albeit after the fact. Our goal in this endeavor is to provide a safe, functional facility for the city of Herreid, on time and under budget. In this process, if the engineers and testing authority find any discrepancies in our installation, we are fully committed to repairing any and all discrepancies.

In discussions with multiple engineers, and SME's, it has been the general consensus that the path that we are going down will provide a proven, safer facility for the city of Herreid. The test equipment will show what a visual inspection can not.

If you have any other insight, or recommendations, I am open for suggestions. We would like to work together on this matter to find a reasonable solution.

Thank you,

Justin Modin

Voyager Electrical Services

justin@voyagerelectricalservices.com

ND ML#4005

#701-471-9290

Final Subject Letter

Request for a standardized letter for items that owners do not wish to have compliant. Proposed Template below:

Final Subject Letter

Permit #:

November 29, 2022

NAME

ADDRESS

The Electrical Commission has requested correction on the items listed below to bring them up to code. You have chosen not to correct these items.

___ NEC

___ NEC

I, _____ (Please Print Full Name) hereby take full responsibility for the above initialed items.

I will not hold the SD Electrical Commission liable for the above initialed items as I fully understand they are violations of the 2020 National Electrical Code.

Questions may be directed to: Inspector – Phone or Email

Sincerely,

The Electrical Commission

Wiring Permit #

Name _____

Address _____

City _____

Signature of Owner

Date

Signature of Electrical Contractor (if applicable)

Date

RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF SOUTH DAKOTA AND OKLAHOMA

RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF SOUTH DAKOTA AND OKLAHOMA

This agreement is between the State of South Dakota through the South Dakota State Electrical Commission and the State of Oklahoma through the Oklahoma Construction Industries Board.

I. Recitals

Pursuant to South Dakota Codified Law 36-16-23, the State of South Dakota is authorized to issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license in that state, provided an agreement has been reached with that state to recognize the electrical licenses held by South Dakota residents.

Pursuant to Oklahoma Construction Industries Board Act and the Electrical Licensing Act and code the State of Oklahoma is authorized to issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license in that state, provided an agreement has been reached with that state to recognize the electrical licenses held by Oklahoma residents.

II. Purpose

The purpose of this agreement is to mutually recognize South Dakota journeyman electrical license qualifications and Oklahoma journeyman electrical license qualifications as being essentially equivalent and thereby enable the State of South Dakota and the State of Oklahoma to issue a license to applicants that meet the respective state's specific qualifications and examination requirements without requiring the applicant to pass an additional examination. As used in this agreement, the term "Journeyman electrician" is defined in Section VI of this agreement.

III. Agreement

1. The State of South Dakota and the State of Oklahoma may issue a journeyman electrician license without requiring the applicant to pass an examination if the applicant has acquired a license through examination sponsored by the qualifying state. To receive a license under this agreement, the applicant must submit an application, pay any fees required by the application state, and hold a current journeyman electrician or greater class of license in the qualifying state.
2. The states participating in this agreement administer a statewide journeyman electrician licensing program that includes qualifying experience or training, or a combination of training and experience and examination.
3. The experience or training requirement under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than the experience or training required for an applicant in the application state.
4. The applicant must have acquired the journeyman electrician license in the qualifying state by successfully passing an examination sponsored by the qualifying state. A journeyman electrician license may be granted in the application state without examination where the applicant otherwise meets the conditions of the application state.

5. At the time of application, the applicant must hold a valid journeyman electrician license in the qualifying state and have held the license continuously for at least one (1) year. Applicants that hold a greater class of license may meet this condition if the qualifications for the greater class of license meet or exceed the qualification requirements for the journeyman license.
6. An applicant is not eligible for a license under this agreement if:
 - a. the applicant's journeyman electrician license has been revoked or is suspended and the applicant is not in good standing in the application state;
 - b. the applicant has disciplinary action pending in the qualifying state or is not otherwise in good standing;
 - c. the applicant has failed to renew his/her journeyman electrician license in the application state within the timeframe allowed by that state for renewal without being required to take the license examination; or
 - d. within the past two years the applicant has performed electrical work in the application state without obtaining required licensing.
- 7 Participating states in this agreement reserve the right to refuse the issuance of a license for just cause.

IV. Term of Agreement and Amendments

1. This agreement shall remain in effect for five (5) years, or is replaced by another agreement.
2. Either participating state may terminate this agreement by providing 30-days written notice to the other state. Termination of this agreement may be for any reason but notification of the reason is required.
3. This agreement supersedes any other agreements currently in effect between the participating states.
4. The terms of this agreement shall not be altered, modified supplemented or amended except by written agreement signed by both parties.

V. Records and Verifications

1. Based upon each participating states records disposition requirement a record shall be maintained of applicants subject to this agreement that provide evidence that applicant meets the conditions of the agreement. In instances where the qualifying state is unable to provide evidence that the applicant meets the conditions of this agreement, the applicant is not eligible for a license under this agreement.
2. Participating states shall respond to a request for verification of an applicant's qualification in a timely manner.

VI. Definitions

1. **Application State:** means the state participating in this agreement in which the applicant makes application for a license under this agreement.
2. **Journeyman Electrician:** means an individual who has shown proof of experience and or training and has acquired a state journeyman license through examination. For the purpose of this agreement, participating states agree that the journeyman license of each state are deemed equivalent.
3. **Participating State:** means a state participating in this agreement.
4. **Qualifying State:** means the state participating in this agreement through which the applicant acquired a license through qualification and examination.

VII. Other Laws and Regulations

This agreement does not exempt any applicant or licensee with compliance with other applicable laws and rules of either participating state.

Executive Director
South Dakota Electrical Commission Board

[Handwritten Signature]

Administrator
Oklahoma Construction Industries Board

Date signed

5-25-22

Date signed

Commission President

Date signed

South Dakota Electrical Commission

Inspector Statistics

07/01/2022- 11/15/2022

District	Name	InspectorName	BD	Permits	Transfers	Finals	ED	RI	DT	Other	Total Contacts
0	Administration		0	0	31	(34)	0	0	59	559	618
1	Brent Schoulte		473	171	(43)	(151)	460	57	3	558	618
2	John Smallbrock		698	241	(1033)	(193)	956	91	0	275	366
3	Kyle Dahl		777	295	6	(246)	840	194	9	545	748
4	Ron Lunder		436	224	(1)	(131)	528	130	0	37	167
5	Jason Wingert		602	282	(29)	(219)	638	205	7	542	754
6	Seth Warner		492	251	14	(184)	580	68	3	739	810
8	Thad Stoddard		702	312	1329	(263)	809	158	3	222	383
9	Dan Urban		786	434	(16)	(185)	1019	223	22	1122	1367
10	Joel Hanson		617	193	53	(243)	621	265	6	153	424
11	Scott Ochsner		642	357	40	(298)	745	385	12	1274	1671
12	Dan Schoenfelder		677	251	(35)	(209)	685	170	13	672	855
13	Aaron Dimitt		735	251	(35)	(187)	772	146	2	739	887
14	Jeff Hotchkiss		647	164	(19)	(150)	658	76	1	291	368
17	Tom Kelly		263	127	(8)	(94)	291	79	0	15	94
21	Doug Brende		717	272	(68)	(133)	790	168	0	660	828
22	Curtis Mitchell		426	324	7	(234)	519	170	1	169	340
24	Tim Heairet		893	320	(221)	(270)	746	183	6	816	1005
			10,583	4,469	(28)	(3,424)	11,657	2,768	147	9,388	12,303

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 10/31/2022

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AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1036 ELECTRICAL COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103600080801	1140000	1,149,035.06	DR	ELECTRICAL COMMISSION
6503	103600080802	1140000	158,885.38	DR	ELECT COMM-BONDING ACCT
COMPANY/SOURCE TOTAL 6503 808			1,307,920.44	DR *	
COMP/BUDG UNIT TOTAL 6503 1036			1,307,920.44	DR **	
BUDGET UNIT TOTAL 1036			1,307,920.44	DR ***	

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STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 10/31/2022

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AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1036 ELECTRICAL COMMISSION - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO 6503 COMPANY NAME PROFESSIONAL & LICENSING BOARDS					
103600080801	6503	4293800	PERMITS-EC & CBE	15,925.00	44,560.00
103600080801	6503	4293801	PERMITS-HO	1,125.00	3,570.00
103600080801	6503	4293802	PERMITS-FORM B	1,610.00	9,615.00
103600080801	6503	4293803	EI LICENSE FEES	600.00	1,700.00
103600080801	6503	4293804	EC LICENSE FEES	9,360.00	73,280.00
103600080801	6503	4293805	CBE LICENSE FEES	100.00	1,300.00
103600080801	6503	4293806	JM LICENSE FEES	7,340.00	47,160.00
103600080801	6503	4293807	AE LICENSE FEES	2,604.33	16,869.33
103600080801	6503	4293808	IEC LICENSE FEES	840.00	4,840.00
103600080801	6503	4293809	ICBE LICENSE FEES	.00	160.00
103600080801	6503	4293810	IJM LICENSE FEES	480.00	1,780.00
103600080801	6503	4293811	EC RECIPROCAL FEES	660.00	1,380.00
103600080801	6503	4293812	JM RECIPROCAL FEES	1,460.00	4,660.00
103600080801	6503	4293813	MAINTENANCE LICENSE	160.00	560.00
103600080801	6503	4293814	EXAM FEES	1,260.00	5,060.00
103600080801	6503	4293815	RE-EXAM FEES	540.00	720.00
103600080801	6503	4293816	UNDERTAKING FEES	.00	50.00
103600080801	6503	4293817	INSPECTION FEES	61,157.00	298,898.66
103600080801	6503	4293818	RE-INSPECTION FEE	.00	6,390.00
103600080801	6503	4293819	501 (D) LICENSE FEES	160.00	640.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	105,381.33	523,192.99
ACCT: 42			LICENSES, PERMITS & FEES	105,381.33	523,192.99
103600080801	6503	4393200	ADMINISTRATIVE PENALTY	50.00	1,450.00
103600080801	6503	4393201	RE-STATEMENT PENALTY FEES	4,500.00	16,380.00

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AGENCY BUDGET CENTER	UNIT	1036	LABOR & REGULATION ELECTRICAL COMMISSION - INFO	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
ACCT:	4393		PENALTIES (NON-GOVERNMENTAL)				4,550.00	17,830.00	*
ACCT:	43		FINES, FORFEITS & PENALTIES				4,550.00	17,830.00	**
CNTR:	103600080801	6503	4596110			MISC INCOME	.00	60.00	*
ACCT:	4596						.00	60.00	*
ACCT:	45		CHARGES FOR SALES & SERVICES				.00	60.00	**
CNTR:	103600080801	6503	4920045			NONOPERATING REVENUES	.00	6,923.70	*
ACCT:	4920		NONOPERATING REVENUE				.00	6,923.70	*
CNTR:	103600080801	6503	4950000			REFUND OF PRIOR YEARS EXP	350.00	350.00	*
ACCT:	4950		REFUND OF PRIOR YEARS EXPENDITURES				350.00	350.00	*
ACCT:	49		OTHER REVENUE				350.00	7,273.70	**
CNTR:	103600080801						110,281.33	548,356.69	***
CNTR:	103600080802	6503	4293816			UNDERTAKING FEES	100.00	950.00	*
ACCT:	4293		BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)				100.00	950.00	*
ACCT:	42		LICENSES, PERMITS & FEES				100.00	950.00	**
CNTR:	103600080802	6503	4920045			NONOPERATING REVENUES	.00	1,427.69	*
ACCT:	4920		NONOPERATING REVENUE				.00	1,427.69	*
ACCT:	49		OTHER REVENUE				.00	1,427.69	**
CNTR:	103600080802						100.00	2,377.69	***
COMP:	6503						110,381.33	550,734.38	****
B UNIT:	1036						110,381.33	550,734.38	*****